

Exhibit 64

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO CORPORATION
LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY PILLOW,
INC.,

Defendants.

Case No. 22-cv-0098-WMW-JFD

**DEFENDANTS' REPLY TO PLAINTIFFS' FIRST SET OF
REQUESTS FOR ADMISSION**

Defendants answer the following requests for admission as follows:

REQUESTS FOR ADMISSION

REQUEST NO. 1. Admit that LINDELL published a documentary titled *Absolute Proof* on February 5, 2021.

RESPONSE: Admitted.

REQUEST NO. 2. Admit that *Absolute Proof* contains statements about election fraud during the 2020 U.S. Presidential election.

RESPONSE: Admitted.

REQUEST NO. 3. Admit that *Absolute Proof* contains statements about SMARTMATIC.

RESPONSE: Admitted.

REQUEST NO. 4. Admit that at the time of publishing *Absolute Proof*, LINDELL was aware of William Barr’s December 1, 2020 statement that U.S. Department of Justice investigators had not seen fraud in the 2020 U.S. Presidential election on a scale that could have effected a different outcome in the election.

RESPONSE: Admitted. Mr. Lindell further explains that Bill Bar came out and admitted to several people that his office did no investigation because they had no time to investigate.

REQUEST NO. 5. Admit that at the time of publishing *Absolute Proof*, LINDELL was aware of the November 12, 2020 Joint Statement from the Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees that “The November 3rd election was the most secure in American history” and that “There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.”

RESPONSE: Denied.

REQUEST NO. 6. Admit that at the time of publishing *Absolute Proof*, LINDELL understood the statements made about SMARTMATIC were likely to result in harm to SMARTMATIC’s reputation.

RESPONSE: Denied. Smartmatic has damaged its own reputation overseas.

REQUEST NO. 7. Admit that LINDELL published a video titled *Scientific Proof* on March 31, 2021.

RESPONSE: Admitted

REQUEST NO. 8. Admit that *Scientific Proof* contains statements about

SMARTMATIC and election fraud during the 2020 U.S. Presidential election.

RESPONSE: Admitted

REQUEST NO. 9. Admit that at the time of publishing *Scientific Proof*, LINDELL was aware of William Barr's December 1, 2020 statement that U.S. Department of Justice investigators had not seen fraud in the 2020 U.S. Presidential election on a scale that could have effected a different outcome in the election.

RESPONSE: Admitted. Mr. Lindell further explains that Bill Bar came out and admitted to several people that his office did no investigation because they had no time to investigate.

REQUEST NO. 10. Admit that at the time of publishing *Scientific Proof*, LINDELL was aware of the November 12, 2020 Joint Statement from the Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees that "The November 3rd election was the most secure in American history" and that "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."

RESPONSE: Denied.

REQUEST NO. 11. Admit that at the time of publishing *Scientific Proof*, LINDELL understood the statements made about SMARTMATIC were likely to result in harm to SMARTMATIC's reputation.

RESPONSE: Denied.

REQUEST NO. 12. Admit that LINDELL published a documentary titled *Absolute Interference* on April 20, 2021.

RESPONSE: Admitted

REQUEST NO. 13. Admit that *Absolute Interference* contains statements about election fraud during the 2020 U.S. Presidential election.

RESPONSE: Admitted

REQUEST NO. 14. Admit that *Absolute Interference* contains statements about SMARTMATIC.

RESPONSE: Admitted

REQUEST NO. 15. Admit that at the time of publishing *Absolute Interference*, LINDELL was aware of William Barr's December 1, 2020 statement that U.S. Department of Justice investigators had not seen fraud in the 2020 U.S. Presidential election on a scale that could have effected a different outcome in the election.

RESPONSE: Admitted. Mr. Lindell further explains that Bill Barr came out and admitted to several people that his office did no investigation because they had no time to investigate.

REQUEST NO. 16. Admit that at the time of publishing *Absolute Interference*, LINDELL was aware of the November 12, 2020 Joint Statement from the Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees that "The November 3rd election was the most secure in American history" and that "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."

RESPONSE: Denied.

REQUEST NO. 17. Admit that at the time of publishing *Absolute Interference*,

LINDELL understood the statements made about SMARTMATIC were likely to result in harm to SMARTMATIC's reputation.

RESPONSE: Denied.

REQUEST NO. 18. Admit that LINDELL published a documentary titled *Absolutely 9-0* on June 3, 2021.

RESPONSE: Admitted

REQUEST NO. 19. Admit that *Absolutely 9-0* contains statements about SMARTMATIC and election fraud during the 2020 U.S. Presidential election.

RESPONSE: Admitted

REQUEST NO. 20. Admit that at the time of publishing *Absolutely 9-0*, LINDELL was aware of William Barr's December 1, 2020 statement that U.S. Department of Justice investigators had not seen fraud in the 2020 U.S. Presidential election on a scale that could have effected a different outcome in the election.

RESPONSE: Admitted. Mr. Lindell further explains that Bill Bar came out and admitted to several people that his office did no investigation because they had no time to investigate.

REQUEST NO. 21. Admit that at the time of publishing *Absolutely 9-0*, LINDELL was aware of the November 12, 2020 Joint Statement from the Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees that "The November 3rd election was the most secure in American history" and that "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."

RESPONSE: Denied.

REQUEST NO. 22 Admit that at the time of publishing *Absolutely 9-0*, LINDELL understood the statements made about SMARTMATIC were likely to result in harm to SMARTMATIC's reputation.

RESPONSE: Denied.

REQUEST NO. 23. Admit that LINDELL appeared on Steve Bannon's "War Room" podcast on February 5, 2021, February 6, 2021, March 26, 2021, April 9, 2021, May 3, 2021, and May 8, 2021.

RESPONSE: Admitted.

REQUEST NO. 24. Admit that during LINDELL's appearances on Steve Bannon's "War Room" as indicated in Request No. 25, LINDELL made statements about SMARTMATIC and election fraud during the 2020 U.S. Presidential election.

RESPONSE: Admitted.

REQUEST NO. 25. Admit that at the time of LINDELL's appearances on Steve Bannon's "War Room" as indicated in Request No. 25, LINDELL was aware of William Barr's December 1, 2020 statement that U.S. Department of Justice investigators had not seen fraud in the 2020 U.S. Presidential election on a scale that could have effected a different outcome in the election.

RESPONSE: Admitted. Mr. Lindell further explains that Bill Barr came out and admitted to several people that his office did not investigation because they had no time to investigate.

REQUEST NO. 26. Admit that at the time of LINDELL's appearances on Steve Bannon's "War Room" as indicated in Request No. 25, LINDELL was aware of the November 12, 2020 Joint Statement from the Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees that "The November 3rd election was the most secure in American history" and that "There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised."

RESPONSE: Denied.

REQUEST NO. 27. Admit that at the time of LINDELL's appearances on Steve Bannon's "War Room" as indicated in Request No. 25, LINDELL understood the statements made about SMARTMATIC were likely to result in harm to SMARTMATIC's reputation.

RESPONSE: Denied. Smartmatic has suffered no harm and has not disclosed a scintilla of evidence that it has been harmed.

REQUEST NO. 28. Admit that LINDELL hosted a "Cyber Symposium" event from August 10 to 12, 2021 in Sioux Falls, South Dakota.

RESPONSE: Admitted.

REQUEST NO. 29. Admit that during the "Cyber Symposium" mentioned in Request No. 31, LINDELL made statements about election fraud during the 2020 U.S. Presidential election.

RESPONSE: Admitted.

REQUEST NO. 30. Admit that during the "Cyber Symposium" mentioned in Request No. 31, LINDELL made statements about SMARTMATIC.

RESPONSE: Admitted that Lindell made statements about all election machine companies including Smartmatic.

REQUEST NO. 31. Admit that at the time of the “Cyber Symposium” mentioned in Request No. 31, LINDELL was aware of William Barr’s December 1, 2020 statement that U.S. Department of Justice investigators had not seen fraud in the 2020 U.S. Presidential election on a scale that could have effected a different outcome in the election.

RESPONSE: Admitted. Mr. Lindell further explains that Bill Bar came out and admitted to several people that his office did no investigation because they had no time to investigate.

REQUEST NO. 32. Admit that at the time of the “Cyber Symposium” mentioned in Request No. 31, LINDELL was aware of the November 12, 2020 Joint Statement from the Elections Infrastructure Government Coordinating Council and the Election Infrastructure Sector Coordinating Executive Committees that “The November 3rd election was the most secure in American history” and that “There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.”

RESPONSE: Denied.

REQUEST NO. 33. Admit that at the time of the “Cyber Symposium” mentioned in Request No. 31, LINDELL understood the statements made about SMARTMATIC were likely to result in harm to SMARTMATIC’s reputation.

RESPONSE: Denied.

REQUEST NO. 34. Admit that on January 4, 2023, FRANKSPEECH published a video titled *Updates On the Smartmatic Lawsuit and The Cast Vote Records*.

RESPONSE: Admitted.

REQUEST NO. 35. Admit that the video *Updates On the Smartmatic Lawsuit and The Cast Vote Records* contains statements about SMARTMATIC and election fraud during the 2020 U.S. Presidential election.

RESPONSE: Admitted.

REQUEST NO. 36. Admit that at the time of publishing the video *Updates On the Smartmatic Lawsuit and The Cast Vote Records*, LINDELL was aware that SMARTMATIC did not provide election technology for use in any jurisdiction other than Los Angeles County during the 2020 U.S. Presidential election.

RESPONSE: Admitted in part. Denied in part. Lindell believed that Smartmatic's Software engineers developed Dominion Systems platform in the United States because Dominion purchased Smartmatic's company Sequoia and its assets when the U.S. government prohibited Smartmatic from operating in the United States.

REQUEST NO. 37. Admit that at the time of publishing the video *Updates On the Smartmatic Lawsuit and The Cast Vote Records*, LINDELL was aware of William Barr's December 1, 2020 statement that U.S. Department of Justice investigators had not seen fraud in the 2020 U.S. Presidential election on a scale that could have effected a different outcome in the election.

RESPONSE: Admitted. Mr. Lindell further explains that Bill Bar came out and admitted to several people that his office did not investigation because they had no time to investigate.

REQUEST NO. 38. Admit that at the time of publishing the video *Updates On the Smartmatic Lawsuit and The Cast Vote Records*, LINDELL was aware of the November 12, 2020 Joint Statement from the Elections Infrastructure Government Coordinating Council and

the Election Infrastructure Sector Coordinating Executive Committees that “The November 3rd election was the most secure in American history” and that “There is no evidence that any voting system deleted or lost votes, changed votes, or was in any way compromised.”

RESPONSE: Denied.

REQUEST NO. 39. Admit that at the time of publishing the video *Updates On the Smartmatic Lawsuit and The Cast Vote Records*, LINDELL understood the statements made about SMARTMATIC were likely to result in harm to SMARTMATIC’s reputation.

RESPONSE: Denied.

REQUEST NO. 40. Admit that the video *Updates On the Smartmatic Lawsuit and The Cast Vote Records* displayed a promo code valid for up to 66% off an order placed at MyPillow.com.

RESPONSE: Admitted and by way of further explanation, My Pillow, Inc. advertised but did not sponsor or endorse any part of FRANKSPEECH content.

REQUEST NO. 41. Admit that SMARTMATIC, Dominion Voting Systems, and ES&S are competitors.

RESPONSE: Denied. Smartmatic is a very small company compared to the size of Dominion Voting Systems and ES&S. I do not believe they compete against each other for contract awards because Smartmatic does not have a certified voting machine that can be marketed in the United States. Were it not for L.A. County, Smartmatic USA would have gone bankrupt. As it is, Smartmatic USA admits that it lost the contract because its competitor Konnech beat it on price.

REQUEST NO. 42. Admit that MY PILLOW never made any public statements disclaiming LINDELL’s statements about SMARTMATIC.

RESPONSE: Admitted. MY PILLOW does not control Mr. Lindell's personal endeavors.

REQUEST NO. 43. Admit that no fraud was committed in connection with the 2020

U.S. Presidential election that would have changed the outcome of the election.

RESPONSE: Absolutely denied. As each month passes, more and more information is coming forward in places like Arizona and Georgia that unequivocally prove that there was fraud in the election.

REQUEST NO. 44. Admit that no federal or state agency in the U.S. has ever announced that any voting system was responsible for a fraud being committed in connection with the 2020 U.S. Presidential election that would have changed the outcome of the election.

RESPONSE: Admitted and by further explanation, SMARTMATIC has never obtained certification in the United States for its machines.

REQUEST NO. 45. Admit that SMARTMATIC did not tabulate votes in the 2020 U.S. Presidential election.

RESPONSE: Denied. Smartmatic tabulated votes in at least L.A. County.

REQUEST NO. 46. Admit that Joe Biden was elected to be the President of the United States in the election held on November 3, 2020.

RESPONSE: Denied. We will never know whether President Biden was duly elected given the rampant problems municipalities had in running their elections with voting machines. L.A. County is no exception. I have the L.A. County cast vote records and the machine manipulation is clear. By way of further explanation, when a person skims a Casino you can't just skim one machine or one area of sales like food or liquor because the deviation would stand out like a sore thumb. If votes are taken from one place and not another it would stand out. I do not care whether Trump or Biden won. I stand up for Democrat candidates and Republican candidates alike. What matters is our democracy.

REQUEST NO. 47. Admit that SMARTMATIC's technology and software used in the 2020 U.S. Presidential election was not connected to the Internet.

RESPONSE: Denied. Smartmatic refuses to allow anyone to review the inside of their machines. After an official investigation was done in L.A. County, investigators discovered a total breach of voter information and election worker PII. They L.A. County prosecutor's office discovered that a Chinese telecom company owned and operated by the Chinese Communist Party obtained information from the L.A. County network to which both Konnech and Smartmatic were connected. If they were connected, Smartmatic's machines were absolutely connected to the internet.

REQUEST NO. 48. Admit that no other voting-technology company used SMARTMATIC's technology, hardware, or software in the 2020 U.S. Presidential election.

RESPONSE: Denied. Konnech may have tied into Smartmatic's system. Given reports from earlier Venezuelan elections and Smartmatic's history, including the acquisition and subsequent sale of Sequoia Voting Systems to Dominion Voting Systems, concerns were raised. The transfer of key personnel between these companies, coupled with public statements by Sidney Powell shortly after the 2020 U.S. election, fueled speculation about potential irregularities. Additionally, the involvement of a former high-ranking individual from a George Soros-affiliated organization added to these suspicions. Later, there were reports, purportedly backed by multiple generals, about a government-led program influencing overseas elections, which has been in use for years.

REQUEST NO. 49. Admit that SMARTMATIC was not engaged in a widespread criminal enterprise to steal the 2020 U.S. Presidential election.

RESPONSE: Denied. I have no idea to what extent Smartmatic was involved. I do know that they were either grossly negligent in the design of their system or otherwise allowed the breach. I have the cast vote records from L.A. County and they show machine manipulation in L.A. County. That is an undisputable fact.

REQUEST NO. 50. Admit that LINDELL is likely to publish additional statements about election fraud during the 2020 U.S. Presidential election and

SMARTMATIC in the future.

RESPONSE: Lindell admits that he will not stop advocating that municipalities stop using voting machines of any kind in U.S. elections. He has a First Amendment right to make these statements.

DATED: July 24, 2024.

McSWEENEY, CYNKAR & KACHOUROFF PLLC

By /s/ Christopher I. Kachouroff
Christopher I. Kachouroff* (Bar No. 44216)
13649 Office Place, Suite 101
Woodbridge, Virginia 22192
(703) 621-3300
chris@mck-lawyers.com

Douglas G. Wardlow (MN Bar #339544)
Jeremiah D. Pilon (MN Bar #392825)
1550 Audubon Rd.
Chaska, MN 55318
(952) 826-8658
doug@mypillow.com
jpilon@mypillow.com